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09/127,571 07/31/98 VARGHESE

P COMP:0016

PM92/0313

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EXAMINER

TRAN, K

ART UNIT

PAPER NUMBER

3634

10

DATE MAILED: 03/13/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/127,571

Applicant(s)
VARGHESE ET AL.

Examiner
KHOA TRAN

Group Art Unit
3634



☒ Responsive to communication(s) filed on Dec 20, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-21 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-21 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☒ The proposed drawing correction, filed on Dec 20, 1999 is ☒ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 9

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Drawings

The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on December 20, 1999 have been approved. However, the drawings are still objected to because of the following: With respect to Figure 2, it appears that reference numeral "20" is improperly identified a front opening; reference numeral "36" is incorrectly identified the structure it intends, (It should be noted that the reference numeral "36" should be identified the recess of the server and not the recess of the rail, see page 9, line 10). With respect to Figure 9, the lead line of reference numerals "70" and "72" should be a dash lead line because the structures thereof are hidden in the figure. Further, it appears that on top left hand corner of Figure 9, reference numeral "112" is not properly identified to the respective part to which it refers. Appropriate correction is required.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, "a cover" in claims 4 and 9 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Applicants are required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect can be deferred until the application is allowed by the examiner.

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Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With respect to claim 1, it is not known whether a combination or subcombination is being claimed because the preamble implies the "computer system" being a subcombination, while the body of the claim positively recites the element that required the combination. This is also applicable to claim 7. Further, there is no antecedent basis for "the other slide assembly", claim 1, line 11 and "the slide assemblies", claim 2, lines 2-3.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 3-10 are rejected under 35 U.S.C. 102(b) as being anticipated by H. S. Fall.

The claims are of such breadth that they read on the rack mounting system of H. S. Fall. H. S.

Fall discloses a rack mounting system comprising two opposite slide assembly having the support

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rails (10) supporting the slide rails (12, 14). The support rail has a well define first and second securement regions that constitute a central web (54, 56) with first and second flanges (64, 70) extend over between the web. The slide rail (12 and 14) has a height approximately less than half the distance of the support rail. Each slide rail is telescopingly mated with another rails (18, 20) in a stack transverse direction such that to form a set of the slide rail assembly. The slide rail assemblies are disposed adjacently to the longitudinal edges (64, 66, 68, 70) of the securement regions. See Figures 1-5.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-10, 12, 13, and 15-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hastings et al. ('441) in view of Good et al. ('256) and J. R. Jones et al. Hastings et al. ('441) disclose a rack mounting computer system (10) comprising a rectangle configured cabinet (12) enclosed by access sides and rear panels (16, 20), and an access door (22) is hingedly secured to the front side of the cabinet. The cabinet is designed to have the supporting rail structures (52) that are attached to the side panels for supporting the slidingly computer component server (32a) that is slid in and out of the cabinet for access. The server has a

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telescoping slide rails at the lower end of its peripheral side walls (48) for cooperatively engaged the sliding rail assemblies (54, 56) and the supporting rail structures (52). A mounting cable support bracket (122) with hinges and flanges connected between the rear sever and the rear post (28) of the cabinet wherein the bracket is extending out and retract as the server slid in and out of the cabinet. See Figures 1-4. Good et al. ('256) teach the peripheral side walls at the lower end (30) of the server component sides having a recess that is indented inwardly for rails (48) to attach along the providing recess. See Figures 1 and 3. It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide the computer component sides of Hastings et al. ('441) with a recess at the lower end of the component sides as taught by Good et al. ('256) in order the slide rail portion that is mounted thereon the recess to be flushed with the side wall of the computer system server. J. R. Jones et al. teach the two identical opposite rail systems comprising a support rail (A) that is supporting slide rail (c) and telescopingly mated in a stack transverse direction with other rail (B) so that to form a set of a rail assembly. The support rail has a central web with an upper and lower flanges (10, 11) formed thereof at the top and bottom, see Figure 11. The web has a longitudinal axis that is dividing the web into the upper and lower mounting regions. (It should be noted that all objects have a longitudinal axis). There are attaching means (20) located at the upper and lower securement regions of the web. The slide rail (c) is specifically recited as having a less vertical depth than the supporting rail so that it fixed at the lower edge portion of the support rail, see column 2, lines 21-23. See Figures 1-13. It would have been obvious to one of ordinary skill in the art at the

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time of invention was made to provide the rack mounting computer system of Hastings et al. with a rail system as taught by J. R. Jones et al. in order to have a slide rail that is telescopingly mated in a stack transverse direction with other rail to form a slide assembly. With respect to the slide rail assembly having a height less than half the distance of the support rail, it would have been an obvious matter of choice of design at the time of the invention to have made the slide rail assembly half the height of the support rail for a particular application thus producing no new and unexpected results. Also, it should be noted that J. R. Jones is specifically teaches the slide rail assembly is less depth/height than the supporting rail.

Claims 2, 11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hastings et al. ('441) in view of Good et al. ('256) and J. R. Jones et al. as applied to claims 1, 3-10, 12, 13, and 15-21 above, and further in view of Kofstad ('337). Kofstad teaches the support rail (54) that has a plurality of apertures on the upper and lower mounting regions for receiving fasteners, see Figure 4. It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide the support rails of Hastings et al. ('441) with the plurality of apertures as taught by Kofstad in order for support rails to be enabled to receive the plurality of fasteners to further enhance the securement of the rail to the structure that is being mounted to.

Response to Amendment

Applicants' arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

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With respect to applicants make changes of reference numerals "70" and "71" on Figure 9, the Examiner is unclear whether the lead lines of reference numerals "70" and "71" should be deleted or not.

With respect to applicants' arguments to the rejections of record of H. S. Fall, it should be noted that the independent claims of 1 and 7 are solely directed to the rack mounting system for supporting the sides of the computer system component. At the outset of the recited language of the preamble, the patentability of the product of the rack system of how it is intended to be used to support is not germane to the issue of patentability. If the applicants are intended to claim the computer system as a combination then it is must be positively set forth. Presently, the instant claims 1 and 7 are implied the computer system as being a subcombination.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Khoa Tran whose telephone number is (703) 306-3437. The Examiner can normally be reached on Monday through Friday from 8:30 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Daniel P. Stodola, can be reached on (703) 308-2686. The fax phone number for this Group is (703) 305-3597 or 305-3598.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168.

Khoa Tran

March 05, 2000



Daniel P. Stodola
Supervisory Patent Examiner
Group 3600